

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

OLUWAFUNMILADE ONAMUTI,

§

Petitioner,

§

v.

§ No. 3:23-CV-331-L-BH

**I.C.E. and WARDEN OF PRAIRIELAND
DETENTION CENTER,**

§

Respondents.

§

ORDER

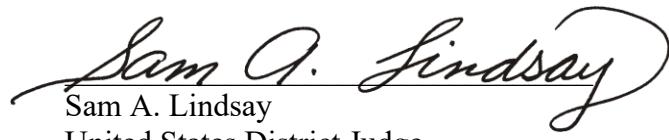
On March 14, 2023, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 6) was entered, recommending that the court dismiss without prejudice for lack of jurisdiction Petitioner’s Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Doc. 4) and deny without prejudice his Pro Se Emergency Motion to Stay Order of Removal from the United States, Pending the Final Disposition of the Petition for Writ of Habeas Corpus (Doc. 5), which were both received on February 14, 2023. The Report further recommends that, to the extent Petitioner seeks to assert other civil claims that are not habeas in nature, such claims should be dismissed without prejudice to seeking relief in a separate civil action because nonhabeas claim cannot be asserted in a habeas action. No objections to the Report were received as of the date of this order, and the time to object has passed.

Having considered the Petition, Motion to Stay, pleadings, file, record, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **denies and dismisses without prejudice** for lack of jurisdiction Petitioner’s Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 and his Pro Se Emergency Motion to Stay Order of Removal from the United States, Pending the Final

Disposition of the Petition for Writ of Habeas Corpus (Docs. 4, 5). To the extent Petitioner seeks to assert other civil claims that are not habeas in nature, such claims are **dismissed without prejudice** to seeking relief in a separate civil action.

A certificate of appealability is not required to appeal the denial of relief under 28 U.S.C. § 2241. *See Padilla v. United States*, 416 F. 424, 425 (5th Cir. 2005). If Petitioner files a notice of appeal, he must pay the \$505 appellate filing fee or submit a motion to proceed *in forma pauperis* and a properly signed certificate of inmate trust account.

It is so ordered this 13th day of April, 2023.



Sam A. Lindsay
United States District Judge